

# Senate Study Bill 1329

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act allowing regions within the state to participate in a  
2 pilot project for regional emergency response districts and  
3 providing for a district tax levy.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2394SC 82  
6 eg/es/88

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1 1 REGIONAL EMERGENCY RESPONSE DISTRICT  
1 2 Section 1. AUTHORIZATION AND PURPOSE. This Act authorizes  
1 3 four pilot projects for which a region of the state may  
1 4 establish a regional emergency response district.  
1 5 The purpose of this Act is to provide regions within the  
1 6 state an opportunity to participate in a pilot project having  
1 7 a new governance structure to facilitate the delivery and  
1 8 funding of fire protection service and emergency medical  
1 9 service to residents of the region.  
1 10 Sec. 2. DEFINITIONS. As used in this Act, unless the  
1 11 context otherwise requires:  
1 12 1. "Board" means the board of supervisors of a county.  
1 13 2. "Commission" means a county emergency management  
1 14 commission created pursuant to section 29C.9.  
1 15 3. "District" means a regional emergency response  
1 16 district.  
1 17 Sec. 3. PETITION FOR PUBLIC HEARING.  
1 18 1. The board of supervisors of any county or counties  
1 19 shall, on the petition of 25 percent of the resident property  
1 20 owners in any proposed district if the assessed valuation of  
1 21 the property owned by the petitioners represents at least 25  
1 22 percent of the total assessed value of the proposed district,  
1 23 or on a motion of the township trustees, or on the board's own  
1 24 motion, hold a public hearing concerning the establishment of  
1 25 a proposed district. The petition shall include a statement  
1 26 containing the following information:  
1 27 a. The need for fire protection service and emergency  
1 28 medical service.  
1 29 b. The geographic boundaries of the district to be served.  
1 30 c. The approximate number of families in the district.  
1 31 d. The proposed personnel, equipment, and facilities to  
1 32 provide the fire protection service and emergency medical  
1 33 service.  
1 34 2. The board of supervisors shall notify the state fire  
1 35 marshal's office that a petition has been filed, or a board  
2 1 motion adopted, to form a district.  
2 2 Sec. 4. REGIONAL DISTRICT. The boundary lines of the  
2 3 district may include any region of the state, such as a whole  
2 4 county having both unincorporated and incorporated areas, or  
2 5 any townships within a county, or adjoining townships located  
2 6 in more than one county.  
2 7 Sec. 5. TIME OF HEARING. The public hearing required in  
2 8 section 3 shall be held within 30 days of the presentation of  
2 9 the petition. Notice of hearing shall be given by publication  
2 10 in two successive issues of any newspaper of general  
2 11 circulation within the district. The last publication shall  
2 12 be not less than one week before the proposed hearing.  
2 13 Sec. 6. DISTRICT ESTABLISHED == PLAN == PILOT AUTHORIZED.  
2 14 1. Within 10 days after the hearing, the board shall  
2 15 either establish the district by resolution or disallow the  
2 16 petition.  
2 17 2. Within 10 days after establishing a district, the board

2 18 shall submit a plan to the state fire marshal's office and the  
2 19 county finance committee. The plan shall include all of the  
2 20 following:

2 21 a. Personnel, equipment, facilities, and other available  
2 22 resources that may be shared by all of the various fire  
2 23 departments and emergency medical service providers within the  
2 24 district.

2 25 b. Financial information demonstrating the ability to  
2 26 provide fire protection service and emergency medical service  
2 27 to the residents of the district.

2 28 c. A plan for transition of delivery and funding of fire  
2 29 protection service and emergency medical service to the new  
2 30 district.

2 31 3. The county finance committee shall review the  
2 32 district's financial information, including revenues,  
2 33 expenditures, and budget items as well as the financial  
2 34 implications and plan for transitioning to a new financing  
2 35 structure. Within 30 days after receiving the plan, the  
3 1 county finance committee shall report its findings to the  
3 2 state fire marshal.

3 3 4. The state fire marshal shall consider the county  
3 4 finance committee's findings and review the district's  
3 5 personnel, equipment, facilities, and other available  
3 6 resources that may be shared by all of the various fire  
3 7 departments and emergency medical service providers as well as  
3 8 the practical considerations and plan for transitioning to a  
3 9 new structure for delivering fire protection service and  
3 10 emergency medical service to the district. The state fire  
3 11 marshal shall determine whether the district can successfully  
3 12 deliver fire protection service and emergency medical service  
3 13 throughout the district.

3 14 5. Within 60 days of receiving the board's plan, the state  
3 15 fire marshal shall notify the board whether the board's plan  
3 16 is approved.

3 17 Sec. 7. PILOT PROJECT == TWO YEARS == REPORT.

3 18 1. A district established by the board and having an  
3 19 approved plan by the state fire marshal under section 6 is  
3 20 authorized to proceed and continue as a pilot project for two  
3 21 years beginning on July 1 of the fiscal year following the  
3 22 date of the board's resolution establishing the district.  
3 23 However, if the date of the board's action falls after  
3 24 November 1, the pilot project shall not begin until July 1 of  
3 25 the fiscal year subsequent to the next following fiscal year.

3 26 2. At the end of two years, the commission shall submit a  
3 27 report to the state fire marshal summarizing the results of  
3 28 the pilot project, including the strengths of the project,  
3 29 whether delivery of fire protection service and emergency  
3 30 medical service was improved throughout the district, and  
3 31 additional measures needed to improve the delivery of such  
3 32 services.

3 33 Sec. 8. ENGINEER.

3 34 1. When the pilot project is approved, the board shall  
3 35 appoint a civil engineer or county engineer who shall prepare  
4 1 a preliminary plat showing:

4 2 a. The proper design in general outline of the district.

4 3 b. The lots and parcels of land within the proposed  
4 4 district as they appear on the county auditor's plat books  
4 5 with the names of the owners.

4 6 c. The assessed valuation of the lots and parcels.

4 7 2. The board shall determine the compensation for the  
4 8 engineer's preliminary investigation. The engineer shall file  
4 9 a report with the county auditor within 30 days of  
4 10 appointment. The board may extend the time upon good cause  
4 11 shown.

4 12 Sec. 9. HEARING ON ENGINEER'S REPORT. After the  
4 13 engineer's report is filed, the board shall give notice, as  
4 14 provided in section 5, of a public hearing to be held  
4 15 concerning the engineer's preliminary plat. Within 10 days  
4 16 after the hearing, the board shall, by resolution, approve or  
4 17 disapprove the engineer's plan.

4 18 Sec. 10. ELECTION ON PROPOSED LEVY. When a preliminary  
4 19 plat has been approved by the board, an election shall be held  
4 20 within the district within 60 days to approve or disapprove  
4 21 the levy of a tax of not more than \$1.60 and 3/4 cents per  
4 22 \$1,000 of assessed value on all of the taxable property within  
4 23 the district. The ballot shall set out the reason for the tax  
4 24 and the amount needed. The tax shall be set to raise only the  
4 25 amount needed. Notice of the election, including the time and  
4 26 place of holding the election, shall be given as provided in  
4 27 section 5. The vote shall be by ballot which shall state  
4 28 clearly the proposition to be voted upon and any registered

4 29 voter residing within the district at the time of the election  
4 30 may vote. The county auditor shall conduct elections held  
4 31 pursuant to this Act. The proposition is approved if a  
4 32 majority of those voting on the proposition vote in favor of  
4 33 it.

4 34 Sec. 11. GOVERNANCE AUTHORITY == COMMISSION. The district  
4 35 shall be governed by the county emergency management  
5 1 commission established in chapter 29C.

5 2 If the district includes townships located in more than one  
5 3 county, the district shall be governed by a joint commission  
5 4 that includes members of the commissions of each county.

5 5 Sec. 12. COMMISSION POWERS.

5 6 1. The commission may purchase, own, rent, or maintain  
5 7 fire and emergency medical services apparatus or equipment  
5 8 within the state or outside the territorial jurisdiction and  
5 9 boundary limits of this state, provide housing for such  
5 10 apparatus and equipment, provide fire protection service and  
5 11 emergency medical service and facilities, and may certify for  
5 12 levy an annual tax as provided in section 10. The commission  
5 13 may purchase material, employ fire protection service  
5 14 personnel, emergency medical service personnel, and other  
5 15 personnel, and may perform all other acts necessary to  
5 16 properly maintain and operate the district. The commission  
5 17 may contract with any city or county or public or private  
5 18 agency under chapter 28E for the purpose of providing fire  
5 19 protection service or emergency medical service under this  
5 20 Act. The commissioners are allowed necessary expenses in the  
5 21 discharge of their duties.

5 22 2. The commission shall draw the boundaries of fire and  
5 23 emergency medical services areas within the district to be  
5 24 assigned to various fire departments and stations throughout  
5 25 the district.

5 26 Sec. 13. REGIONAL FIRE CHIEF. The commission shall  
5 27 appoint a regional fire chief who shall serve at the pleasure  
5 28 of the commission and shall be responsible for the  
5 29 coordination of fire protection service and emergency medical  
5 30 service throughout the district.

5 31 Sec. 14. FIRE CHIEFS. The regional fire chief shall  
5 32 appoint an assistant fire chief for each existing fire  
5 33 department and station within the district who shall be  
5 34 responsible for delivery of fire protection service and  
5 35 emergency medical service within the areas designated by the  
6 1 commission pursuant to section 12.

6 2 Sec. 15. CITIES WITHIN THE DISTRICT. If a city is  
6 3 included in a district, the maximum tax levy authorized for  
6 4 the general fund of that city under section 384.1 shall be  
6 5 reduced by the amount of the tax rate levied within the city  
6 6 by the district. Such city shall not be responsible for  
6 7 providing fire protection service and emergency medical  
6 8 service as provided in section 364.16, and shall have no  
6 9 liability for the method, manner, or means by which the  
6 10 district provides the fire protection service and emergency  
6 11 medical service.

6 12 Sec. 16. BONDS IN ANTICIPATION OF REVENUE. A district may  
6 13 anticipate the collection of taxes by the levy authorized in  
6 14 this Act, and to carry out the purposes of this Act may issue  
6 15 bonds payable in not more than 10 equal installments with the  
6 16 rate of interest not exceeding that permitted by chapter 74A.  
6 17 An indebtedness shall not be incurred under this Act until  
6 18 authorized by an election. The election shall be held and  
6 19 notice given in the same manner as provided in section 10, and  
6 20 a majority vote shall be necessary to authorize indebtedness.  
6 21 Both propositions may be submitted to the voters at the same  
6 22 election.

6 23 Sec. 17. TRANSITION == TOWNSHIP TAX DISCONTINUED. When  
6 24 the boundary lines of the district include all or a portion of  
6 25 a township and the district has certified a tax levy not  
6 26 exceeding \$1.60 and 3/4 cents per \$1,000 of assessed valuation  
6 27 of the taxable property within the township for the purpose of  
6 28 fire protection service and emergency medical service, the  
6 29 township trustees shall no longer levy the tax provided by  
6 30 section 359.43 in that portion of the township provided  
6 31 services by the district. Any indebtedness incurred for the  
6 32 purposes of sections 359.42 through 359.45 for a service now  
6 33 provided by the district shall be assumed by the district and  
6 34 all of the assets of the township which relate to the  
6 35 fire-fighting operation and emergency medical service  
7 1 operation shall be transferred to the district.

7 2 Sec. 18. NEW SECTION. 29C.9A GOVERNANCE FOR REGIONAL  
7 3 EMERGENCY RESPONSE DISTRICT PILOT PROJECT == TAX LEVY.

7 4 The commission shall govern a regional emergency response

7 5 district established pursuant to this Act. The commission may  
7 6 certify for levy an annual tax of not more than one dollar and  
7 7 sixty and three-fourths cents per thousand dollars of assessed  
7 8 value on all of the taxable property within such regional  
7 9 emergency response district.

7 10 EXPLANATION

7 11 This bill allows a region of the state to participate in a  
7 12 pilot project that provides for a new governance structure for  
7 13 the delivery of fire protection and emergency medical services  
7 14 to the residents of the region. The bill authorizes four  
7 15 pilot projects for which a region of the state may establish a  
7 16 regional emergency response district. The bill provides  
7 17 procedures to establish a district that are similar to the  
7 18 procedures found in Code chapter 357F for establishing an  
7 19 emergency medical services district, including the initial  
7 20 petition for a public hearing filed by the resident property  
7 21 owners of the proposed district. The bill also allows a  
7 22 public hearing on a proposed district based upon a petition by  
7 23 the township trustees or the county board of supervisors' own  
7 24 motion.

7 25 The boundaries of the district may include a whole county,  
7 26 both unincorporated and incorporated areas, and may also  
7 27 include townships within a county, or adjoining townships  
7 28 located in different counties.

7 29 Once a public hearing is held, the bill provides that the  
7 30 board of supervisors may establish the district by resolution.  
7 31 The bill provides that the board submit a plan to the state  
7 32 fire marshal's office and the county finance committee that  
7 33 includes all of the following:

7 34 1. Personnel, equipment, facilities, and other available  
7 35 resources that may be shared by all of the various fire  
8 1 departments and emergency medical service providers.

8 2 2. Financial information demonstrating the ability to  
8 3 provide fire protection service and emergency medical service  
8 4 to the residents of the district.

8 5 3. A plan for transitioning to the new district.

8 6 The bill provides that after the county finance committee  
8 7 has reviewed the financial information and reported its  
8 8 findings to the state fire marshal, the state fire marshal  
8 9 shall review the findings as well as the personnel, equipment,  
8 10 facilities, and other resources of the district to determine  
8 11 whether the district can successfully deliver services  
8 12 throughout the district.

8 13 A district established by the board and having an approved  
8 14 plan by the state fire marshal is authorized to proceed and  
8 15 continue as a pilot project for two years beginning on July 1  
8 16 of the fiscal year following the date of the board's  
8 17 resolution establishing the district. However, if the date of  
8 18 the board's action falls after November 1, the pilot project  
8 19 shall not begin until July 1 of the fiscal year subsequent to  
8 20 the next following fiscal year.

8 21 The bill requires that at the end of two years, the  
8 22 commission shall submit a report to the state fire marshal  
8 23 summarizing the results of the pilot project, including the  
8 24 strengths of the project, whether delivery of fire protection  
8 25 service and emergency medical service was improved throughout  
8 26 the district, and additional measures needed to improve the  
8 27 delivery of such services.

8 28 The bill provides for an engineer to prepare a preliminary  
8 29 plat of the district, which after public hearing, shall be  
8 30 approved or disapproved by the board.

8 31 The bill provides for an election within the district to  
8 32 approve or disapprove the levy of a tax of not more than \$1.60  
8 33 and 3/4 cents per \$1,000 of assessed value on all the taxable  
8 34 property within the district.

8 35 The bill provides that the district be governed by the  
9 1 county emergency management commission for the county as  
9 2 created pursuant to Code section 29C.9 whose membership is  
9 3 composed of a member of the board of supervisors or its  
9 4 appointed representative, the sheriff or the sheriff's  
9 5 representative, and the mayor or the mayor's representative  
9 6 from each city within the district. If the district includes  
9 7 townships located in more than one county, the district shall  
9 8 be governed by a joint commission that includes members of the  
9 9 commissions of each county. The commission is authorized to  
9 10 certify for levy an annual tax as approved at election. The  
9 11 commission is also directed to draw the boundaries of  
9 12 emergency services areas within the district to be assigned to  
9 13 various fire departments and stations throughout the district.  
9 14 The bill provides that the commission appoint a regional fire  
9 15 chief who shall serve at the pleasure of the commission and

9 16 shall be responsible for the coordination of fire protection  
9 17 service and emergency medical service throughout the district.  
9 18 The regional fire chief shall appoint an assistant fire  
9 19 chief for each existing fire department and station within the  
9 20 district who shall be responsible for delivery of fire  
9 21 protection service and emergency medical service within the  
9 22 areas designated by the commission.  
9 23 The bill provides that the district may issue bonds if the  
9 24 indebtedness is authorized by election.  
9 25 Finally, the bill provides a transition provision from  
9 26 township-funded fire protection and emergency medical services  
9 27 to funding by the newly created district. The bill also  
9 28 provides that any indebtedness incurred by the township  
9 29 trustees for these services shall be assumed by the district  
9 30 and all of the assets of the township which relate to the  
9 31 fire-fighting operation and emergency medical services  
9 32 operation shall be transferred to the district.  
9 33 LSB 2394SC 82  
9 34 eg:sc/es/88